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EXAMINER

ENGELSKIRCHEN, JEREMY D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,571	Applicant(s) JOUNG ET AL.	
	Examiner JEREMY D. ENGELSKIRCHEN	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/23/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's communications filed May 23, 2008 in response to PTO Office Action mailed January 23, 2008. The Applicant's remarks and amendments were considered with the results that follow.
2. Claims 1-12 are pending in this application. Claims 1-4, 6-7, and 10 have been amended.

Response to Amendment

3. The objections to the drawings have been withdrawn due to the amendment to Figure 2 files 5/23/2008.
4. The objection to the specification has been withdrawn due to the amendment files 5/23/2008.
5. The objection to claim 3 has been withdrawn due to the amendment filed 5/23/2008.
6. Examiner notes that in claim 1, line 5, the word "object-based" is underlined as if it were amended, however, "object-based" is not an amended part of the claim and therefore should not be underlined.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Martinez et al. (“Authoring 744: first results” pgs. 203-206, *Multimedia* '02, December 1-6, 2002, ACM), hereinafter Martinez.**

9. With respect to claim 1, Martinez discloses in a device for editing and authoring object-based AV (audio and visual) contents using the MPEG-4 (moving picture experts group 4) method, an object-based MPEG-4 contents editing and authoring device (pg. 203, Sect. 1, par. 4, lines 1-2) comprising:

an extensible description generator for receiving either of an MPEG-4 textual format or internal data structure information of object-based MPEG-4 contents (pg. 205, Sect. 3, par. 4, lines 1-5), and MPEG-7 (moving picture experts group 7) descriptions of the MPEG-4 contents (pg. 204, Sect. 3, par. 2, lines 3-4), and generating an XML (extensible markup language) based textual format file including the MPEG-7 descriptions (pg. 205, Sect. 4, lines 1-2), wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents (pg. 204, Sect. 3, lines 3-6 and pg. 205, Sect. 4, lines 1-2);

an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions generated by the extensible description generator, and generating them as a binary file (pg. 205, Sect. 5, par. 1, lines 1-2 and pg. 206, Sect. 7, par. 4);
and

an XML based contents storage unit for storing the XML based textual format file generated by the extensible description generator and the binary file generated by the extensible description/binary converter (pg. 205, Sect. 5, par. 2, lines 1-2 and 4).

10. With respect to claim 2, Martinez discloses an MPEG-4 contents storage unit for storing the object-based MPEG-4 contents (pg. 205, Sect. 5, par. 2, lines 1-4).; and

an MPEG-7 description generator for generating MPEG-7 descriptions of the object-based MPEG-4 contents stored in the MPEG-4 contents storage unit (pg. 204, Sect. 3, par. 2, lines 1-4).

11. With respect to claim 3, Martinez discloses wherein the XML based contents storage unit stores either of the textual format or the binary file generated on the XML basis and storage information of the MPEG-4 contents storage unit of the object-based MPEG-4 contents related to the corresponding XML based file (pg. 205, Sect. 5, par. 2, lines 1-4).

12. With respect to claim 4, Martinez discloses an object-based MPEG-4 (moving picture experts group 4) contents editing and authoring method (pg. 203, Sect. 1, par. 4, lines 1-2) comprising: receiving one of a textual file and an internal data structure of object-based MPEG-4 contents stored in a contents database (pg. 205, Sect. 3, par. 4, lines 1-4);

receiving MPEG-7(moving picture experts group 7) descriptions of the object-based MPEG-4 contents (pg. 204, Sect. 3, par. 2, lines 1-4), wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents (pg. 204 , Sect. 3, lines 3-6 and pg. 205, Sect. 4, lines 1-2); and

combining either of the textual file or the internal data structure of the object-based MPEG-4 contents with the MPEG-7 descriptions, generating them into an XML(extensible markup language) based textual format file, and storing the XML based textual format file (pg. 205, Sect. 5, par. 1).

13. **Claim 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bober et al. ("A MPEG-4/7 based Internet Video and Still Image Browsing System"; Proceedings of the SPIE Vol. 4209, March 22, 2001), hereinafter Bober. Bober is cited by applicant in IDS filed 10/29/2007.**

14. With respect to claim 10, Bober discloses an object-based MPEG-4 (moving picture experts group 4) contents retrieving method comprising:

receiving a user's request for contents retrieval through a retrieval browser (pg. 35, Sect. 3, par. 2, line 1), and

retrieving MPEG-7 (moving picture experts group 7) description information stored in an MPEG-7 description storage unit at a retrieval module (pg. 35, Sect. 3, par. 2, lines 2-5), wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents (pg. 34, Fig. 1 and Sect. 3, lines 4-6; *the server side bears the computationally heavier burden of generating the MPEG-7 descriptions as well as searching the content once the MPEG-7 descriptors have been generated and linked to the content*);

receiving retrieval results from the retrieval browser, and displaying the retrieval results (pg. 35, Sect. 3, par. 2, lines 6-7);

allowing the user to select desired contents from among the displayed results (pg. 34, Sect. 3, par. 1, lines 2-3); and

loading the contents selected from the retrieval browser from a storage unit, and driving a reproducer to reproduce the loaded data (pg. 35, Sect. 3, par. 2, line 6-7).

15. With respect to claim 11, Bober discloses wherein (a) further comprises: allowing the user to input a keyword through the retrieval browser and request retrieval (pg. 35, Sect. 3, par. 2, lines 1-2; user makes a request i.e. *allowing the user to input a keyword*);

retrieving an MPEG-7 description information storage unit at the retrieval module by using the keyword (pg. 35, Sect. 3, par. 2, lines 3-4); and

generating retrieval results into a list, and transmitting the list to the retrieval browser (pg. 35, Sect. 3, par. 2, lines 6-7).

16. With respect to claim 12, Bober discloses wherein (d) comprises analyzing original contents storage information stored in the MPEG-7 description storage unit, and loading the original contents storage information (pg. 33, Sect. 1, lines 7-10).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez as applied to claim 4 above, and further in view of Ryu et al. (“MPEG-7 Metadata Authoring Tool”; pgs. 267-270, *Multimedia '02*, December 1-6, 2002, ACM), hereinafter Ryu.**

20. With respect to claim 5, Martinez does not disclose converting the XML based textual format file into a binary file, and storing the binary file. However, Ryu discloses converting the XML based textual format file into a binary file, and storing the binary file (Ryu; pg. 268, Sect. 3.1, lines 19-24).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Martinez to convert the XML based textual file into a binary file as taught by Ryu because the use of the binary format of the XML document would allow more efficient transmission and storage (Ryu; pg. 268, Sect. 3.1, lines 23-24).

21. **Claim 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Bober.**

22. With respect to claim 6, Martinez discloses an object-based MPEG-4 (moving picture experts group 4) contents editing/authoring and retrieving device (Martinez; pg. 203, Sect. 1, par. 4, lines 1-2) comprising:

a contents editor/author for receiving either of an MPEG-4 textual format or internal data structure information of object-based MPEG-4 contents (Martinez; pg. 205, Sect. 3, par. 4, lines 1-4), and

MPEG-7(moving picture experts group 7) descriptions of the object-based MPEG-4 contents (Martinez; pg. 204, Sect. 3, par. 2, lines 1-4), combining them (Martinez; pg. 205, Sect. 3, par. 3, lines 1-2), editing or authoring them as an XML (extensible markup language) based textual format file or a binary file, and storing it, wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents (Martinez; pg. 205, Sect. 4, lines 1-2; and Sect. 5, par. 2, line 4);

a contents storage unit for extracting MPEG-7 description information of the XML based textual format file edited, authored, and stored by the contents editor/author (Martinez; pg. 205, Sect. 5, par. 2, line 1-4).

Martinez does not disclose storing the MPEG-7 description information for a retrieval process; and a retrieval browser/reproducer for providing a user interface for retrieving MPEG-7 description information stored in the contents retriever, and reproducing the retrieved contents.

However, Bober discloses storing the MPEG-7 description information for a retrieval process (Bober, pg. 35, Sect. 3, par 1, lines 4-6); and

a retrieval browser/reproducer for providing a user interface for retrieving MPEG-7 description information stored in the contents retriever, and reproducing the retrieved contents (Bober, pg. 35, Sect. 3, par 2, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time of invention to include the retrieval browser/reproducer for providing a user interface for retrieving the MPEG-7 description information disclosed by Bober in the editing/authoring device of Martinez to achieve the claimed invention. As disclosed by Bober, the motivation for combination would be to locate the desired content and MPEG-4 to transmit and present it (Bober, pg. 33, Sect. 1, lines 7-10).

23. With respect to claim 7, the combination of Martinez and Bober teaches the device of claim 6, and further discloses wherein the contents editor/author comprises: an extensible description generator for receiving either of an MPEG-4 textual format or internal data structure information of object-based MPEG-4 contents (Martinez; pg. 205, Sect. 3, par. 4, lines 1-5), and

MPEG-7 descriptions of the object-based MPEG-4 contents (Martinez; pg. 204, Sect. 3, par. 2, lines 3-4), and generating an XML based textual format file including the MPEG-7 descriptions (Martinez; pg. 205, Sect. 4, lines 1-2);

an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions generated by the extensible description generator, and generating them as a binary file (Martinez; pg. 205, Sect. 5, par. 1, lines 1-2 and pg. 206, Sect. 7, par. 4); and

an XML based contents storage unit for storing the XML based textual format file generated by the extensible description generator and the binary file generated by the extensible description/binary converter (Martinez; pg. 205, Sect. 5, par. 2, lines 1-2 and 4).

24. With respect to claim 9, the combination of Martinez and Bober teaches the device of claim 6, and further discloses wherein the retrieval browser/reproducer comprises: a retrieval browser for receiving a retrieval request from a user (Bober, pg. 35, Sect. 3, par. 2, line 1), commanding the contents retriever to perform retrieval (Bober, pg. 35, Sect. 3, par. 2, lines 2-5), receiving retrieval results, and outputting them to the user (Bober, pg. 35, Sect. 3, par. 2, lines 6-7); and

a reproducer for reproducing the contents retrieved through the retrieval browser (Bober, pg. 35, Sect. 3, par. 2, line 6-7).

25. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez and Bober, as applied to claim 6, and further in view of Ryu.**

With respect to claim 8, the combination of Martinez and Bober teaches the device of claim 6, but does not disclose wherein the contents retriever comprises: a file parsing module for receiving the XML based textual format file or the binary file produced using the MPEG descriptions, and extracting MPEG-7 descriptions included in the corresponding;

an MPEG-7 description storage unit for generating the MPEG-7 description information extracted from the file parsing module into a database, and storing the information.

However, Ryu discloses wherein the contents retriever comprises: a file parsing module for receiving the XML based textual format file or the binary file produced using the MPEG descriptions (Ryu; pg. 269, Sec. 3.2, par. 4, lines 1-6), and

extracting MPEG-7 descriptions included in the corresponding file (Ryu; pg. 270, Sec. 3.2, par. 7, lines 6-9; MPEG-7 metadata visualizer/editor can display all the information i.e. *extracting MPEG-7 descriptions included in the corresponding file*);

an MPEG-7 description storage unit for generating the MPEG-7 description information extracted from the file parsing module into a database, and storing the information (Ryu; pg. 270, Sec. 3.2, par. 7, lines 3-4).

Bober does, however, disclose a retrieval module for retrieving the MPEG-7 description information stored in the MPEG-7 description storage unit according to a request by a user, and outputting corresponding results (Bober, pg. 35, Sect. 3, par 2, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the invention of Martinez and Bober, as motivation already suggested above, to include

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the parsing, extraction, and storage capabilities of Ryu to achieve the claimed invention. As disclosed by Ryu, the motivation for combination would be to require that various types of multimedia content be organized for users to efficiently search/retrieve what they want from enormous amount of data, to manipulate and transmit it (Ryu; pg. 267, Sect. 1, par. 1, lines 8-12).

Response to Arguments

26. Applicant's arguments filed on May 23, 2008 have been fully considered but they are not persuasive.

With respect to the arguments for claims 1 and 4, applicant argues on pg. 10 that Martinez et al. art of record does not disclose “the MPEG-7 descriptions are generated from the object-based MPEG-4 contents”. Examiner respectfully disagrees.

The Martinez et al. reference includes a *ScriptWriter Tool* (pg. 204, Section 3) which “allows the user to write in a friendly way high-level way descriptions of the [MPEG-4] content (or scene) to be generated. The output of the ScriptWriter Tool are MPEG-7 descriptions of the [MPEG-4] content. Therefore, a user can provide input about the MPEG-4 content, and then the ScriptWriter Tool will generate the MPEG-7 descriptions from that MPEG-4 specific user input. The Martinez et al. reference teaches “wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents”, since the MPEG-7 descriptions are generated from the MPEG-4 contents. Even if the claim language specified no user interaction in generating MPEG-7 descriptions, one skilled in the art would recognize that the generation of MPEG-7 descriptions from MPEG-4 content, even if automated, would not distinguish over the Martinez et al. art of

record. The court has noted in, *In re Venner*, that providing an automatic or mechanical means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art. See MPEP 2144.04(III)

27. On pg. 11 of applicant's arguments, applicant also argues that the Martinez et al. prior art applied does not disclose that "an MPEG-7 description is necessarily generated for every object of contents." Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*generating the MPEG-7 description for every object of the contents*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Because of the reasons above, examiner's rejections to claims 1-4 under 35 U.S.C. § 102(a) stand as anticipated by Martinez et al. prior art of record.

28. With respect to the arguments for claim 10, applicant argues on pg. 11 that Bober et al. art of record does not disclose "the MPEG-7 description information is generated from the object-based MPEG-4 contents". Examiner respectfully disagrees.

Bober et al. discloses "the MPEG-7 description information is generated from the object-based MPEG-4 contents" (see pg. 34, Sect. 3, lines 4-6 and Fig. 1; *the server side bears the computationally heavier burden of generating the MPEG-7 descriptions as well as searching the*

content once the MPEG-7 descriptors have been generated and linked to the content).

Therefore, Bober et al. teaches that MPEG-7 descriptions are generated from the MPEG-4 contents.

Because of the reasons above, examiner's rejections to claims 10-12 under 35 U.S.C. § 102(b) stand as anticipated by Bober et al. prior art of record.

The rejections to claims 5-9 under 35 U.S.C. § 103(a) also stand.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY D. ENGELSKIRCHEN whose telephone number is (571) 270-1903. The examiner can normally be reached on Mon.-Thurs. 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDE 8/5/2008

/Hung T Vy/
Primary Examiner, Art Unit 2163